

ASSEMBLY, No. 2434

STATE OF NEW JERSEY

210th LEGISLATURE

INTRODUCED JUNE 13, 2002

Sponsored by:

Assemblyman GARY L. GUEAR, SR.

District 14 (Mercer and Middlesex)

Assemblyman ANTHONY IMPREVEDUTO

District 32 (Bergen and Hudson)

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Assemblymen Burzichelli, Conaway, Corodemus, Dancer, Eagler, Fisher,

Assemblywoman Heck, Assemblymen S.Kean, Munoz, Assemblywoman

Perez-Cinciarelli, Assemblymen Sarlo, R.Smith, Van Drew, Senators

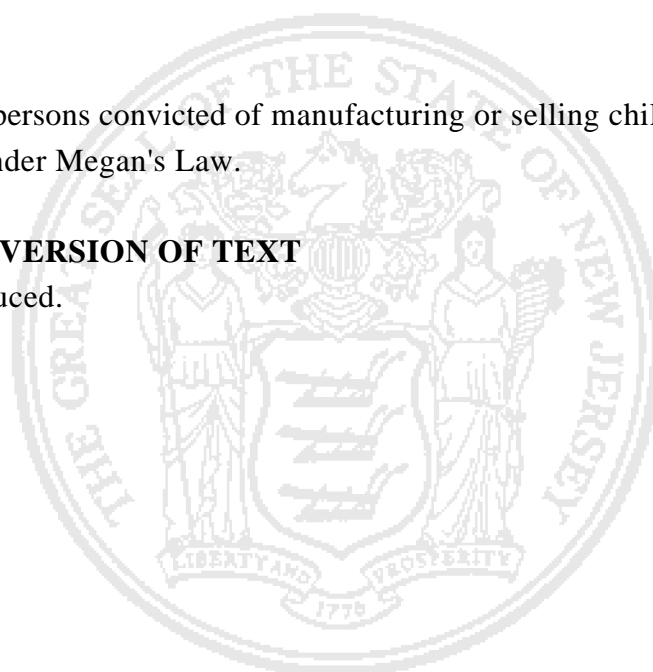
Matheussen, Inverso and Allen

SYNOPSIS

Requires persons convicted of manufacturing or selling child pornography to register under Megan's Law.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/12/2003)

1 AN ACT concerning child pornography and amending P.L.1994, c.133.

2

3 **BE IT ENACTED** *by the Senate and General Assembly of the State*
4 *of New Jersey:*

5

6 1. Section 2 of P.L.1994, c.133 (C.2C:7-2) is amended to read as
7 follows:

8 2. a. A person who has been convicted, adjudicated delinquent or
9 found not guilty by reason of insanity for commission of a sex offense
10 as defined in subsection b. of this section shall register as provided in
11 subsections c. and d. of this section. A person who fails to register as
12 required under this act shall be guilty of a crime of the fourth degree.

13 b. For the purposes of this act a sex offense shall include the
14 following:

15 (1) Aggravated sexual assault, sexual assault, aggravated criminal
16 sexual contact, kidnapping pursuant to paragraph (2) of subsection c.
17 of N.J.S.2C:13-1 or an attempt to commit any of these crimes if the
18 court found that the offender's conduct was characterized by a pattern
19 of repetitive, compulsive behavior, regardless of the date of the
20 commission of the offense or the date of conviction;

21 (2) A conviction, adjudication of delinquency, or acquittal by
22 reason of insanity for aggravated sexual assault; sexual assault;
23 aggravated criminal sexual contact; kidnapping pursuant to paragraph
24 (2) of subsection c. of N.J.S.2C:13-1; endangering the welfare of a
25 child by engaging in sexual conduct which would impair or debauch
26 the morals of the child pursuant to subsection a. of N.J.S.2C:24-4;
27 endangering the welfare of a child pursuant to paragraph (4) or
28 subparagraph (a) of paragraph (5) of subsection b. of N.J.S.2C:24-4;
29 luring or enticing pursuant to section 1 of P.L.1993, c.291
30 (C.2C:13-6); criminal sexual contact pursuant to N.J.S.2C:14-3b. if
31 the victim is a minor; kidnapping pursuant to N.J.S.2C:13-1, criminal
32 restraint pursuant to N.J.S.2C:13-2, or false imprisonment pursuant to
33 N.J.S.2C:13-3 if the victim is a minor and the offender is not the
34 parent of the victim; knowingly promoting prostitution of a child
35 pursuant to paragraph (3) or paragraph (4) of subsection b. of
36 N.J.S.2C:34-1; or an attempt to commit any of these enumerated
37 offenses if the conviction, adjudication of delinquency or acquittal by
38 reason of insanity is entered on or after the effective date of this act or
39 the offender is serving a sentence of incarceration, probation, parole
40 or other form of community supervision as a result of the offense or
41 is confined following acquittal by reason of insanity or as a result of
42 civil commitment on the effective date of this act;

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 (3) A conviction, adjudication of delinquency or acquittal by
2 reason of insanity for an offense similar to any offense enumerated in
3 paragraph (2) or a sentence on the basis of criteria similar to the
4 criteria set forth in paragraph (1) of this subsection entered or imposed
5 under the laws of the United States, this State or another state.

6 c. A person required to register under the provisions of this act
7 shall do so on forms to be provided by the designated registering
8 agency as follows:

9 (1) A person who is required to register and who is under
10 supervision in the community on probation, parole, furlough, work
11 release, or a similar program, shall register at the time the person is
12 placed under supervision or no later than 120 days after the effective
13 date of this act, whichever is later, in accordance with procedures
14 established by the Department of Corrections, the Department of
15 Human Services, the Juvenile Justice Commission established pursuant
16 to section 2 of P.L.1995, c.284 (C.52:17B-170) or the Administrative
17 Office of the Courts, whichever is responsible for supervision;

18 (2) A person confined in a correctional or juvenile facility or
19 involuntarily committed who is required to register shall register prior
20 to release in accordance with procedures established by the
21 Department of Corrections, the Department of Human Services or the
22 Juvenile Justice Commission;

23 (3) A person moving to or returning to this State from another
24 jurisdiction shall register with the chief law enforcement officer of the
25 municipality in which the person will reside or, if the municipality does
26 not have a local police force, the Superintendent of State Police within
27 120 days of the effective date of this act or 70 days of first residing in
28 or returning to a municipality in this State, whichever is later;

29 (4) A person required to register on the basis of a conviction prior
30 to the effective date who is not confined or under supervision on the
31 effective date of this act shall register within 120 days of the effective
32 date of this act with the chief law enforcement officer of the
33 municipality in which the person will reside or, if the municipality does
34 not have a local police force, the Superintendent of State Police.

35 d. Upon a change of address, a person shall notify the law
36 enforcement agency with which the person is registered and must
37 re-register with the appropriate law enforcement agency no less than
38 10 days before he intends to first reside at his new address.

39 e. A person required to register under paragraph (1) of subsection
40 b. of this section or under paragraph (3) of subsection b. due to a
41 sentence imposed on the basis of criteria similar to the criteria set forth
42 in paragraph (1) of subsection b. shall verify his address with the
43 appropriate law enforcement agency every 90 days in a manner
44 prescribed by the Attorney General. A person required to register
45 under paragraph (2) of subsection b. of this section or under paragraph
46 (3) of subsection b. on the basis of a conviction for an offense similar

1 to an offense enumerated in paragraph (2) of subsection b. shall verify
 2 his address annually in a manner prescribed by the Attorney General.
 3 One year after the effective date of this act, the Attorney General shall
 4 review, evaluate and, if warranted, modify pursuant to the
 5 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)
 6 the verification requirement.

7 f. Except as provided in subsection g. of this section, a person
 8 required to register under this act may make application to the
 9 Superior Court of this State to terminate the obligation upon proof
 10 that the person has not committed an offense within 15 years following
 11 conviction or release from a correctional facility for any term of
 12 imprisonment imposed, whichever is later, and is not likely to pose a
 13 threat to the safety of others.

14 g. A person required to register under this section who has been
 15 convicted of, adjudicated delinquent, or acquitted by reason of insanity
 16 for more than one sex offense as defined in subsection b. of this
 17 section or who has been convicted of, adjudicated delinquent, or
 18 acquitted by reason of insanity for aggravated sexual assault pursuant
 19 to subsection a. of N.J.S.2C:14-2 or sexual assault pursuant to
 20 paragraph (1) of subsection c. of N.J.S.2C:14-2 is not eligible under
 21 subsection f. of this section to make application to the Superior Court
 22 of this State to terminate the registration obligation.
 23 (cf: P.L.2001, c.392)

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25 2. This act shall take effect on the 90th day following enactment.
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STATEMENT

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30 Currently, persons convicted of N.J.S.A.2C:24-4b.(4),
 31 photographing or filming a child in a prohibited sexual act, must
 32 register as sex offenders under Megan's Law.

33 Under the bill, persons would also be required to register under
 34 Megan's Law upon conviction of N.J.S.A.2C:24-4b.(5)(a), selling,
 35 manufacturing, distributing or advertising photographs, films or other
 36 reproductions which depict a child engaging in a prohibited sexual act.